

United States District Court

EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

CONNECTICUT GENERAL LIFE
INSURANCE COMPANY, ET AL.

V.

RHONDA KAY MUMFORD ORR, ET AL.

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CASE NO. 4:05CV13
(Judge Schneider/Judge Bush)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the Report of the United States Magistrate Judge in this action, this matter having been heretofore referred to United States Magistrate Judge Don D. Bush pursuant to 28 U.S.C. § 636. On August 31, 2005, the Magistrate Judge entered his report containing his proposed findings of fact and recommendations that Defendant Marian Poole's Motion to Abstain be granted and that the Court abstain from exercising its pendent and ancillary jurisdiction. The Court further recommended that the funds tendered in interpleader be endorsed without recourse and paid over to the County Clerk of Denton County, Texas to be held in *custodia legis* and subject to the orders of the Probate Court of Denton County, Texas. The Court further recommended that the above titled and numbered cause of action be dismissed without prejudice, and that all taxable costs herein be paid out of the interpleader funds. Finally, the Court recommended that all Defendants have preserved, as un-adjudicated, their respective claims against each other as to the interpleader funds.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the Court. It is, therefore,


ORDERED, ADJUDGED and DECREED that Defendant Marian Poole's Motion to Abstain is granted, and the Court hereby **ABSTAINS** from exercising its pendent and ancillary jurisdiction. It is further

ORDERED that the funds tendered in interpleader be endorsed without recourse and paid over to the County Clerk of Denton County, Texas to be held in *custodia legis* and subject to the orders of the Probate Court of Denton County, Texas. It is further

ORDERED that the above titled and numbered cause of action is **DISMISSED** without prejudice, and that all taxable costs herein are to be paid out of the interpleader funds. It is finally

ORDERED that all Defendants shall have preserved, as un-adjudicated, their respective claims against each other as to the interpleader funds.

SIGNED this 29th day of September, 2005.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE